

CAUSE NO. _____

ARIEL BANDA and TERESSA
DELGADO VELASQUEZ
Plaintiffs,

v.

TRANSPORTES SERBICAR SA
de CV, LUIS ENRIQUE
SANDOVAL MARTINEZ, and
ENRIQUE A. SALCEDO
SERRANO
Defendants.

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

EL PASO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

NOW COME TERESSA DELGADO VELASQUEZ and ARIEL BANDA,
hereinafter called "Plaintiffs", complaining of and about TRANSPORTES
SERVICA SA DE CE, LUIS ENRIQUE SANDOVAL MARTINEZ, and
ENRIQUE A. SALCEDO SERRANO, hereinafter called "Defendants" and for
cause of action shows cause of action shows unto the Court the following:

I.

DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Discovery Level 2 of the *Texas Rules of Civil Procedure* §190.2 and affirmatively pleads that he seeks monetary relief aggregating more than \$250,000.00 but less than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.



II.
PARTIES AND SERVICE

2. Plaintiff **TERESA DELGADO VELASQUEZ** is an individual and a resident of Texas.
3. Plaintiff **ARIEL BANDA** is an individual and a resident of Texas.
4. Defendant **ENRIQUE A. SALCEDO SERRANO** is an individual and resident of Mexico and can be served through the agents of his employer located at 11394 James Watt Dr. El Paso, Texas 79936 or wherever else he may be found.
5. Defendant **LUIS ENRIQUE SANDOVAL MARTINEZ** is an individual and resident of Mexico and can be served at the agents for his business at 11394 James Watt Dr. El Paso, Texas 79936 or wherever else he may be found.
5. Defendant **TRANSPORTES SERBICAR SA DE CE** is a registered for-profit company based in Mexico but operating in the State of Texas and can be served through its agents located at 11394 James Watt Dr. El Paso, Texas 79936.

III.
JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this Court.
7. This Court has proper jurisdiction over the parties because Defendants are doing business in Texas and the collision giving rise to this litigation arises under their minimum contacts in the State of Texas related to the transportation business they carry on in the State of Texas.

8. Venue in El Paso County is proper in this cause under Section 15.002(a)(1) of the *Texas Civil Practice and Remedies Code* because it is the county where all or a substantial part of the events or omissions giving rise to the claim occurred.

**IV.
FACTS**

9. On or about November 15, 2019, Plaintiffs were the restrained driver and passenger, respectively, in Plaintiff's vehicle in the incident that is the subject of this lawsuit. Plaintiffs were traveling north on Tony Llama and stopped at a stop sign when a commercial 18-wheeler, operating under Defendant Transportes Serbicar SA de CE, owned by Defendant Luis Enrique Sandoval Martinez, and driven by Defendant Enrique A. Salcedo Serrano, pulled up to the stop next to Plaintiffs' vehicle. Both Plaintiffs and the 18-wheeler attempted to make a right turn. The 18-wheeler turned extra wide, colliding with the driver's side of Plaintiffs' vehicle. Due to Defendants' conduct, Plaintiff was proximately caused injuries and damages.

V.

PLAINTIFF'S CLAIM OF RESPONDEAT SUPERIOR

10. Plaintiff hereby incorporates by reference paragraphs 1-9 as if fully set forth verbatim herein.
11. Defendant Transportes Serbicar SA de CE is responsible for the actions of Defendant Salcedo Serrano under the doctrine of respondeat superior. Defendant Salcedo Serrano was an employee of Defendant Transportes

Serbicar who was acting in the course and scope of his employment when he committed the above-referenced actions.

12. Defendant Sandoval Martinez is the owner and executive officer of Transportes Serbicar SA de CE and is responsible for the day-to-day activities of Transportes Serbicar SA de CE.

VI.
PLAINTIFF'S CLAIM OF NEGLIGENCE AS TO DEFENDANT SALCEDO
SERRANO

13. Plaintiff incorporates paragraphs 1-11 as if set forth verbatim herein.
14. Defendant had a duty to operate his/her vehicle reasonably and prudently and to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.
15. Plaintiff's injuries were proximately caused by the Defendant's negligent, careless, and reckless disregard of said duty.
16. The negligent, careless, and reckless disregard of said duty by the driver includes, but is not limited to, the following acts and omissions:
- A. Failure to maintain a proper lookout, maintain proper control of Defendant's vehicle, timely apply the brakes, and take reasonable precautions to avoid the collision;
 - B. Failure to maintain a proper speed for the conditions on the roadway and the circumstances;
 - C. Failure to reduce the speed of his vehicle to avoid the collision;
and
 - D. Failure to yield the right of way.
17. The aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendant without any fault or negligence on the part of

Plaintiff's contributing thereto.

VII.
PLAINTIFF'S DAMAGES

18. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.
19. As a direct and proximate result of Defendants' breach of duty, Plaintiff was caused to incur the following damages:
 - A. Reasonable past medical care and expenses. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the collision complained of herein, and such charges are reasonable and were usual and customary charges for such services in the county where Plaintiff was treated;
 - B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
 - C. Physical pain and suffering in the past;
 - D. Physical pain and suffering in the future;
 - E. Mental anguish in the past;
 - F. Mental anguish in the future;
 - G. Lost wages;
 - H. Loss in past earning capacity;
 - I. Loss in future earning capacity;
 - J. Impairment in the past;
 - K. Impairment in the future;
 - L. Property Damage; and
 - M. Loss of use of Plaintiff's vehicle.

VIII.

CONDITIONS PRECEDENT

20. All conditions precedent have been performed or have occurred.

IX.

NOTICE OF INTENT TO USE PRODUCED DOCUMENTS

21. Pursuant to *Texas Rule of Civil Procedure* 193.7 Plaintiff hereby gives notice of intent to use all documents produced by any party including Defendant in response to written discovery requests propounded in all pretrial proceedings and trial.

X.

JURY DEMAND

22. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

XI.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon a trial of the cause, judgment be entered for Plaintiff against Defendant, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the highest legal rate; costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,

SANDOVAL | JAMES, PLLC

By: 

Benedict James

Texas Bar No.: 24058518

Benedict.James@sj-lawfirm.com

Katherine "Katy" Thompson

Texas Bar No.: 24104270

Katy.Thompson@sj-lawfirm.com

Esteban Sandoval

Texas Bar No.: 24083789

Esteban.Sandoval@sj-lawfirm.com

4807 Spicewood Springs Rd,

Bldg., 2, Ste. 100

Austin, TX 78759

Tel.: (512) 382-7707

Fax: (512) 382-6646

Attorneys for Plaintiff

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **LUIS ENRIQUE SANDOVAL MARTINEZ**, who may be served with process at the agents for his business at **11394 James Watt Dr El Paso TX 79936** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **County Court at Law Number 7**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 12th day of October, 2021, by Attorney at Law **BEN JAMES**, 100 N CENTRAL EXPRESSWAY SUITE 1000 RICHARDSON TX 75080 in this case numbered **2021DCV3592** on the docket of said court, and styled:

ARIEL BANDA AND TERESSA DELGADO VELASQUEZ
V.
TRANSPORTES SERBICAR SA DE CV, LUIS ENRIQUE SANDOVAL MARTINEZ AND
ENRIQUE A. SALCEDO SERRANO

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 15th day of October, 2021

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By K. Henry Deputy
Kia-Dre Henry

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock ____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance From Court House
	MONTH	DAY	YEAR	Hour	Min.	.M.	

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING ____ copy ____ \$ _____ Sheriff

County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the ____ day of _____
20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent
_____, County, Texas
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

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TO: **TRANSPORTES SERBICAR SA DE CV**, who may be served with process through its agents at **11394 James Watt Dr., El Paso TX 79936** or wherever he/she may be found

Greetings:

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ENRIQUE A. SALCEDO SERRANO

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CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By K. Henry, Deputy
Kia-Dre Henry

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RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock ____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance From Court House
	MONTH	DAY	YEAR	Hour	Min.	.M.	

And not executed as to the defendant, _____

The dilligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____ Sheriff

_____ County, Texas

Total _____ \$ _____ by _____ Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____

20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent

_____, County, Texas

By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS

El Paso County - County Court at Law 7

Filed 11/10/2021 12:29 PM

Norma Favela Barceleau

District Clerk

El Paso County

2021DCV3592

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: LUIS ENRIQUE SANDOVAL MARTINEZ, who may be served with process at the agents for his business at **11394 James Watt Dr El Paso TX 79936** or wherever he/she may be found

Greetings:

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ARIEL BANDA AND TERESSA DELGADO VELASQUEZ

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TRANSPORTES SERBICAR SA DE CV, LUIS ENRIQUE SANDOVAL MARTINEZ AND ENRIQUE A. SALCEDO SERRANO

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CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By K. Henry, Deputy
Kia-Dre Henry

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the data of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on 18th day of OCTOBER, 2021, at 2 o'clock P M., and executed in EL PASO County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Original Petition, at the following times and places, to-wit:

GIVING TO: REGISTERED	NAME	MONTH	DATE DAY	YEAR	Hour	TIME Min.	P.M.	Place, and Course and Distance From Court House
AGENT: JOAQUIN MARTINEZ		11	05	2021	3:55			3420 FRUTAS AVE. EL PASO, TX 79905
BE HALF OF:								
	LUIS ENRIQUE SANDOVAL MARTINEZ							

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____

Total _____ \$ _____ by _____ Deputy

FILED
NORMA FAVELA BARCELEMO
DISTRICT CLERK
2021 NOV -9 AM 10:35
EL PASO COUNTY, TEXAS

CERTIFICATE OF DELIVERY

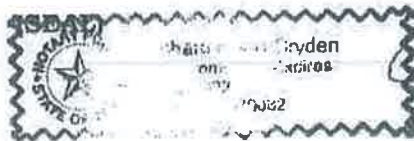
I do hereby certify that I delivered to REGISTERED AGENT: JOAQUIN MARTINEZ, on the 18th day of NOVEMBER, 2021, at 3:55 o'clock P m. this copy of this instrument.

TEXAS
PROCESS SERVERS
Sheriff/Agent

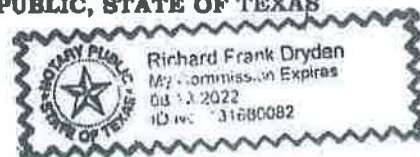
By DAVID ALVAREZ, Deputy/Agent

PSC#11553 EXP: 7-31-22

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 9th DAY OF November, 2021.



NOTARY PUBLIC, STATE OF TEXAS



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Drew Beglau on behalf of Benedict James
 Bar No. 24058518
 drew.beglau@sj-lawfirm.com
 Envelope ID: 59043411
 Status as of 11/10/2021 5:32 PM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT

El Paso County - County Court at Law 7

Filed 11/10/2021 12:29 PM

Norma Favela Barceleau

District Clerk

El Paso County

2021DCV3592

THE STATE OF TEXAS

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TO: ENRIQUE A. SALCEDO SERRANO, who may be served with process by agents of his employer at **11394 James Watt Dr El Paso TX 79936** or wherever he/she may be found

Greetings:

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ARIEL BANDA AND TERESSA DELGADO VELASQUEZ

V.

**TRANSPORTES SERBICAR SA DE CV, LUIS ENRIQUE SANDOVAL MARTINEZ AND
ENRIQUE A. SALCEDO SERRANO**

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CLERK OF THE COURT

NORMA FAVELA BARCELEAU

District Clerk

El Paso County Courthouse

500 E. San Antonio Ave, RM 103

El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By K. Henry Deputy
Kia-Dre Henry

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RETURN

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 In EL PASO County, Texas, by delivering to each of the within-named defendants,
 In person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying
 true and correct copy of the Plaintiff's Original Petition, at the following times and places, to-wit:

NAME	DATE	TIME	Place, and Course and Distance
MONTH DAY YEAR	Hour Min. P.M.	From Court House	
GIVING TO: REGISTERED AGENT: JOAQUIN MARTINEZ	11 05 2021	3:55	3420 FRUTAS AVE. EL PASO, TX 79905
BE HALF OF: ENRIQUE A. SALCEDO SERRANO			

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____

Total _____ \$ _____ by _____ County, Texas

FILED
 NORMA FAVELA SANCHEZ
 DISTRICT CLERK
 2021 NOV -9 AM 10:35
 EL PASO COUNTY, TEXAS
 DEPUTY

DEHALF OF:
 ENRIQUE A. SALCEDO SERRANO

CERTIFICATE OF DELIVERY
 REGISTERED AGENT:
 JOAQUIN MARTINEZ

I do hereby certify that I delivered to _____, on the 5th day of NOVEMBER
 20 21, at 3:55 o'clock P.m. this copy of this instrument.

PROCESS SERVED
 Sheriff/Agent

By DAVID ALVAREZ, Deputy/Agent
EL PASO County, Texas

PSCH 11553 EXP: 7-31-2022

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 9th DAY OF November, 20 21.

(SEAL)
 NOTARY PUBLIC
 State of Texas
 Richard Frank Dryden
 My Commission Expires
 08/01/22
 980082
 NOTARY PUBLIC, STATE OF TEXAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Drew Beglau on behalf of Benedict James
 Bar No. 24058518
 drew.beglau@sj-lawfirm.com
 Envelope ID: 59043411
 Status as of 11/10/2021 5:32 PM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT

El Paso County - County Court at Law 7

Filed 11/10/2021 12:29 PM

Norma Favela Barceleau

District Clerk

El Paso County

2021DCV3592

THE STATE OF TEXAS

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District Clerk
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Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By K. Henry, Deputy
Kia-Dre Henry

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on 18th day of OCTOBER, 2021, at 2 o'clock P.M., and executed in EL PASO County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	P .M.	From Court House
GIVING TO: REGISTERED							
AGENT: JOAQUIN				3:55			3420 FRUTAS AVE
MARTINEZ	11	05	2021				EL PASO, TX 79905
BE HALF OF: TRANSPORTES							
SERBICAR SA DE							
CV							

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____

County, Texas

Total _____ \$ _____ by _____ Deputy

BE HALF OF: TRANSPORTES SERBICAR SA DE CV

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to REGISTERED AGENT: JOAQUIN MARTINEZ, on the 5th day of NOVEMBER, 2021, at 3:55 o'clock P.m. this copy of this instrument.

JOAQUIN MARTINEZ
EL PASO County, Texas
 By DAVID ALVAREZ Deputy/Agent
PSCH 11553 EXP: 7-31-22

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 9th DAY OF November, 2021.



Richard Frank Dryden
 NOTARY PUBLIC, STATE OF TEXAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Drew Beglau on behalf of Benedict James

Bar No. 24058518

drew.beglau@sj-lawfirm.com

Envelope ID: 59043411

Status as of 11/10/2021 5:32 PM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	11/10/2021 12:29:09 PM	SENT

EL PASO COUNTY, TEXAS

accident, as that term is defined and understood by law.

IV.

Defendant would show that all or part of Plaintiffs' claims are barred by Tex. Civ. Prac. & Rem. Code Ann. §41.0105 since Plaintiffs may only recover medical expenses actually paid or incurred.

V.

Defendant would show that all or part of Plaintiffs' alleged claims are barred by Tex. Civ. Prac. & Rem. Code Ann. § 18.091, since any evidence of wages or economic damages must be presented in an after-tax format.

VI.

Defendant would show that Plaintiffs have failed to mitigate their alleged damages and injuries, if any, as that term is defined and understood by law.

VII.

Defendant requests trial by jury and reserves the right to amend.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing that it be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: mundell@mgmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

Cal Mundell

State Bar No. 24109059

Attorneys for Defendant

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 4 day of November, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Benedict James, Esq., benedict.james@sj-lawfirm.com, Katherine "Katy" Thompson, Esq., katy.thompson@sj-lawfirm.com, Esteban Sandoval, Esq., esteban.sandoval@sj-lawfirm.com, 4807 Spicewood Springs, Rd., Bldg. 2, Ste. 100, Austin, Texas 78759.


Darryl S. Vereen

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Isabel Olivares on behalf of Darryl Vereen
 Bar No. 00785148
 iolivares@mgmsg.com
 Envelope ID: 59093426
 Status as of 11/12/2021 4:30 PM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martínez-Perez		karen.martinezp@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Esteban Sandoval		esteban.sandoval@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT
Benedict James		benedict.james@sj-lawfirm.com	11/11/2021 4:37:54 PM	SENT

Associated Case Party: Transportes Serbicar SA De CV

Name	BarNumber	Email	TimestampSubmitted	Status
Estella Wilcox		ewilcox@mgmsg.com	11/11/2021 4:37:54 PM	ERROR
Isabel Olivares		iolivares@mgmsg.com	11/11/2021 4:37:54 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	11/11/2021 4:37:54 PM	SENT
Cal Mundell		mundell@mgmsg.com	11/11/2021 4:37:54 PM	SENT
Darryl S.Vereen		vereen@mgmsg.com	11/11/2021 4:37:54 PM	SENT

El Paso County - County Court at Law 7

Filed 1/4/2022 10:54 AM

Norma Favela Barceleau

District Clerk

El Paso County

2021DCV3592

COUNTY COURT AT LAW NO. 7
EL PASO COUNTY, TEXAS

Ariel Banda

vs.

Transportes Serbicar SA De CV

Cause No. 2021DCV3592

COURT SETTING

The above referenced case is set as follows:

Date	Time	Description
03/09/2022	9:00 AM (MST)	Status/Scheduling Conference

Dear Counsel:

The hearing will be conducted via Zoom.

If the case has been settled, tried, or dismissed, please notify my Court Coordinator, Araceli Jane, at A.Jane@epcounty.com or 915-543-3877.

SIGNED and ENTERED 12/30/2021.
RUBEN MORALES, JUDGEcc: BEN JAMES
DARRYL S VEREEN972-789-1664
915-532-2000*Please give notice to all concerned parties.*IF YOU KNOW OF AN ATTORNEY INVOLVED IN THIS CASE AND NOT LISTED,
PLEASE PROVIDE HIM/HER A COPY OF THIS SETTING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 60469873

Status as of 1/4/2022 11:06 AM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Benedict James		benedict.james@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT
Esteban Sandoval		esteban.sandoval@sj-lawfirm.com	1/4/2022 10:54:40 AM	SENT

Associated Case Party: Transportes Serbicar SA De CV

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/4/2022 10:54:40 AM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/4/2022 10:54:40 AM	SENT
Cal Mundell		mundell@mgmsg.com	1/4/2022 10:54:40 AM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/4/2022 10:54:40 AM	SENT
Estella Wilcox		ewilcox@mgmsg.com	1/4/2022 10:54:40 AM	ERROR

Filed 1/6/2022 1:27 PM
Norma Favela Barceleau
District Clerk
El Paso County
2021DCV3592

IN THE COUNTY COURT AT LAW NUMBER SEVEN

EL PASO COUNTY, TEXAS

ARIEL BANDA and TERESSA
DELGADO VELASQUEZ,

Plaintiffs,

v.

TRANSPORTES SERBICAR SA DE CV,
LUIS ENRIQUE SANDOVAL
MARTINEZ, and ENRIQUE A.
SALCEDO SERRANO

Defendants.

Cause No. 2021DCV3592

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TRANSPORTES SERBICAR SA DE CV, a Defendant in the above-entitled and numbered cause, and submit its Certificate of Written Discovery regarding the following written discovery responses:

1. Defendant's Initial Disclosures.

WHEREFORE PREMISES CONSIDERED, Defendant respectfully prays that the Court and all Parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery responses, and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: mundell@mgmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

Cal Mundell

State Bar No. 24109059

Attorneys for Defendant

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 6 day of January, 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Benedict James, Esq., benedict.james@sj-lawfirm.com, Katherine "Katy" Thompson, Esq., katy.thompson@sj-lawfirm.com, Esteban Sandoval, Esq., esteban.sandoval@sj-lawfirm.com, 4807 Spicewood Springs, Rd., Bldg. 2, Ste. 100, Austin, Texas 78759.


Cal Mundell

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Estella Wilcox on behalf of Cal Mundell
 Bar No. 24109059
 ewilcox@mgmsg.com
 Envelope ID: 60572036
 Status as of 1/6/2022 3:00 PM MST

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Benedict James		benedict.james@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT
Esteban Sandoval		esteban.sandoval@sj-lawfirm.com	1/6/2022 2:27:06 PM	SENT

Associated Case Party: Transportes Serbicar SA De CV

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/6/2022 2:27:06 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/6/2022 2:27:06 PM	SENT
Cal Mundell		mundell@mgmsg.com	1/6/2022 2:27:06 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/6/2022 2:27:06 PM	SENT
Estella Wilcox		ewilcox@mgmsg.com	1/6/2022 2:27:06 PM	ERROR

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: mundell@mgmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

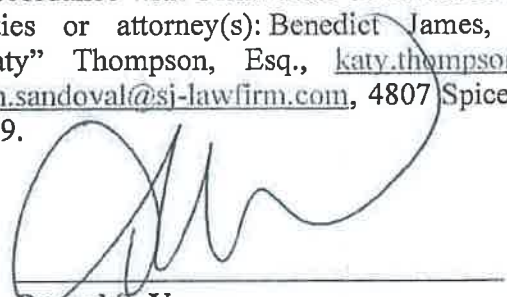
Cal Mundell

State Bar No. 24109059

Attorneys for Defendant

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 19 day of January, 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Benedict James, Esq., benedict.james@sj-lawfirm.com, Katherine "Katy" Thompson, Esq., katy.thompson@sj-lawfirm.com, and Esteban Sandoval, Esq., esteban.sandoval@sj-lawfirm.com, 4807 Spicewood Springs, Rd., Bldg. 2, Ste. 100, Austin, Texas 78759.


Darryl S. Vereen

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Isabel Olivares on behalf of Darryl Vereen
 Bar No. 00785148
 iolivares@mgmsg.com
 Envelope ID: 60953643
 Status as of 1/19/2022 1:57 PM MST

Associated Case Party: Transportes Serbicar SA De CV

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/19/2022 1:44:16 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/19/2022 1:44:16 PM	SENT
Cal Mundell		mundell@mgmsg.com	1/19/2022 1:44:16 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/19/2022 1:44:16 PM	SENT
Estella Wilcox		ewilcox@mgmsg.com	1/19/2022 1:44:16 PM	ERROR

Associated Case Party: Ariel Banda

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Martinez-Perez		karen.martinezp@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Maria Leos		maria.leos@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Emma Smith		emma.smith@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Dora Hernandez		dora.hernandez@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Katy Thompson		katy.thompson@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Benedict James		benedict.james@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Esteban Sandoval		esteban.sandoval@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Nora Alonso		Nora.Alonso@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT
Drew Beglau		drew.beglau@sj-lawfirm.com	1/19/2022 1:44:16 PM	SENT